

REMARKS

Rejection under 35 U.S.C. § 102

Claim 39 was rejected under 35 U.S.C. § 102(b) over Bush, Jr. et al. (U.S. Pat. No. 3,908,495). The Office Action asserts that Bush, Jr. et al. discloses a method including placing a log on a conveyor, advancing the conveyor, discharging the log from the conveyor onto a transfer plate, placing the log into a pocket on a cutting support, rotating the pocket containing the log toward, through and away from a plurality of circular cutting blades, and discharging rolls from the pocket. The Office Action further asserts that the pocket of Bush, Jr. et al. supports the log along the entire length.

The rejection of claim 39 under 35 U.S.C. § 102 is respectfully traversed, as the reference does not disclose each and every element of the claims. Specifically, Bush, Jr. et al. does not disclose a pocket that supports a log along the entire length of the log. The term "supports the log along the entire length" is described in detail in the specification at least as follows:

The pockets 14 in the distribution sprocket are shaped to hold logs during the cutting operation without the need to use a secondary clamping device. A log which is nested into the sprocket is supported along its entire length and rotated into a cutting area 80 (Figure 2) where it is divided into rolls by a cutting device, such as a multi-blade rotary saw 8 having a common axis 54.

[p. 7, lines 20-25; emphasis added]

The pocket has a multiplicity of channels 32 (Figures 3-4), which are configured so as to allow the blades to pass through them. The spacing of these channels along the length of the sprocket helps define the width of the roll that is produced.

[p. 11, lines 17-20; emphasis added]

It is preferred that the channels are narrow enough to provide sufficient support for the substrate, yet wide enough to allow the blade to pass through and to allow for thorough cleaning of the sprocket.

[p. 11, lines 23-25; emphasis added]

Thus, the phrase "wherein the pocket supports the log along the entire length" means that the entire log of substrate is in contact with and supported by the pocket, except at the channels where clearance is provided for the cutting blades.

The Office Action asserts that Bush, Jr. et al. "teaches the pocket supporting the log along the entire length" (page 7, section 8). Applicants respectfully point out that this interpretation of Bush, Jr. et al. is in conflict with the disclosure of the reference. The log processing machine of Bush, Jr. et al. does not disclose a pocket with channels, but rather discloses "radially projecting arms 37 ... for receiving and supporting a log therein" (col. 5, lines 27-31 of '495 patent). Figures 1 and 2 of Bush, Jr. et al. show that there is substantial spacing between these narrow arms. Thus, the machine of Bush, Jr. et al. supports a log only at a few specific points when the log is being advanced toward a set of circular cutting blades. As noted in the MPEP:

Where an explicit definition is provided by applicant for a term, that definition will control interpretation of the term as it is used in the claim.
[MPEP 2111.01, section III]

The radially projecting arms of Bush, Jr. et al. are not consistent with Applicants' definition of a pocket that supports a log along the entire length.

Bush, Jr. et al. does not disclose each and every element of claim 39. Accordingly, claim 39 cannot be anticipated by Bush, Jr. et al., and Applicants request that this rejection be withdrawn.

Rejections under 35 U.S.C. § 103

Perini, Rood and Win et al.

Claims 1-13 were rejected under 35 U.S.C. § 103(a) over Perini (U.S. Pat. No. 4,329,895) in view of Rood (U.S. Pat. No. 3,764,717) and Win et al. (U.S. Patent No. 5,667,635). The Office Action asserts that the method of cutting a plurality of substrates of Perini can be combined with the method of using a conveyor of Rood. The Office Action further asserts that it would be obvious to use the combined method of cutting of Perini and Rood with a wet web as disclosed in Win et al., and that such a combination would provide the methods as claimed.

The rejection of claims 1-13 is respectfully traversed, as the applied references, alone or in combination, fail to provide each and every element of the claims. Specifically, the references fail to provide a log having a moisture content of at least 50%. Independent claims 1 and 5 each recite a log having a moisture content of at least 50%, and independent claim 10 recites a log having a moisture content of at least 65%. Claim 1 recites a wound log of moist substrate, and claims 5 and 10 specifically recite logs of wet wipes.

In contrast, none of the cited references disclose the transporting or cutting of wet wipes logs or wound logs having the claimed moisture content. As noted in the Amendment and Request for Reconsideration filed December 8, 2003, neither Perini nor Rood discloses a log as recited in the claims. The Office Action has attempted to provide this missing claim element by way of “Official Notice” by the Examiner, supported by Win et al.

With respect to Win et al., Applicants’ respectfully point out that this reference does not disclose logs of wet wipes. The only log-shaped item disclosed in Win et al. is a dried basesheet 23 on reel 24 (Figure 1 and col. 4, lines 60-64). The only disclosure of wet wipes having substantial moisture content is at col. 8, lines 6-15, where a stack of individual sheets is manually saturated with a wetting solution. With respect to the Examiner’s “Official Notice” that wet wipes having moisture contents of at least 50% and 65% are known, Applicants respectfully point out that this Notice does not provide the missing claim element. Specifically, this Notice does not provide for a wet wipes log or

a wound log having the claimed moisture content. In addition, there is no genuine motivation on the record to use the methods of Perini and/or Rood with wet wipes. The conclusory statement in the Office Action that it would be obvious to cut the wipes disclosed in Win et al. does not meet the standard for providing a suggestion or motivation from the cited references. As noted in MPEP 2143.01, with reference to *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990):

The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art suggests the **desirability** of the combination.
[Bold emphasis added]

The evidence on the record fails to provide a disclosure, teaching or suggestion of each and every element of claims 1-13. Accordingly, a proper *prima facie* case of obviousness has not been presented against these claims, and Applicants request that this rejection be withdrawn.

Perini and Rood

Claims 31-34 were rejected under 35 U.S.C. § 103(a) over Perini in view of Rood. The Office Action asserts that the method of cutting a plurality of substrates of Perini can be combined with the method of using a conveyor of Rood, and that such a combination would provide the method as claimed.

The rejection of claims 31-34 is respectfully traversed, as the applied references, alone or in combination, fail to provide each and every element of the claims. Specifically, the references fail to provide a flexible log as recited in independent claim 31. Flexible logs are described in the specification as including moistened logs, foams, sponge-like materials and food products, such as logs of cheese or meat products (p. 8, lines 4-8). These low rigidity substrate logs are presented in the specification as a contrast to other substrates, including dry rolls of paper, such as tissue paper (p. 8, lines 8-9). As noted in the Amendment and Request for Reconsideration filed December 8,

2003, the methods recited in these claims provide particular advantages in the cutting of flexible substrates (p. 8, lines 9-12; p. 22, lines 23-30).

In contrast, Perini discloses only the cutting of sticks or cored rolls of toilet paper (col. 1, lines 8-11), which are excluded from Applicants' description of flexible logs. Rood discloses only the cutting of vegetables, rather than flexible logs (col. 1, lines 9-11). Although the Office Action asserts that Perini discloses moist substrates (p. 4, section 6, line 4) and/or flexible substrates (p. 7, section 8), there is no correlation of these assertions with the disclosure of Perini or with any other evidence on the record.

Perini and Rood, alone or in combination, do not disclose, teach or suggest each and every element of claims 31-34. Accordingly, a *prima facie* case of obviousness has not been presented against these claims, and Applicants request that this rejection be withdrawn.

Renard, Bush, Jr et al. and Win et al.

Claims 1-17 and 31-39 were rejected under 35 U.S.C. § 103(a) over Renard (U.S. Pat. No. 3,213,731) in view of Bush, Jr. et al. and Win et al. The Office Action asserts that Renard discloses a method of cutting a plurality of substrates that includes moving a cutting blade away from the pocket, and honing the cutting blade while in the away position. The Office Action further asserts that the method of Renard can be combined with the conveying, metering and discharging steps disclosed in Bush, Jr. et al., and with the wet web of Win et al., and that this combination would provide the method as claimed.

The rejection of the claims over Renard, Bush, Jr. et al. and Win et al. is respectfully traversed, as the applied references, alone or in combination, fail to provide each and every element of the claims. Specifically, the references fail to provide either a flexible log or a log having a moisture content of at least 50%. The references also fail to provide a rotating pocket that supports the log along the entire length. In addition, there is no genuine motivation or suggestion to combine the methods of the references.

With respect to claims 1-17, independent claims 1, 5 and 14 each recite a log having a moisture content of at least 50%, and independent claim 10 recites a log

having a moisture content of at least 65%. Claim 1 recites a wound log of moist substrate, and claims 5, 10 and 14 specifically recite logs of wet wipes. In contrast, none of the cited references disclose the transporting or cutting of wet wipes logs or wound logs having the claimed moisture content. The Office Action admits that Renard does not disclose, teach or suggest a wet wipes log or a wound log having the claimed moisture content (p. 6, lines 3-4). Bush, Jr. et al. does not disclose, teach or suggest, nor has the Office Action asserted that Bush, Jr. et al. discloses, teaches or suggests, a wet wipes log or a wound log having the claimed moisture content. As noted above, the "Official Notice" by the Examiner, in combination with Win et al. fails to provide for a wet wipes log or a wound log having the claimed moisture content. Accordingly, a *prima facie* case of obviousness over Renard, Bush, Jr. et al. and Win et al. has not been presented against claims 1-17. Applicants request that this rejection be withdrawn.

With respect to claims 31-38, independent claims 31 and 35 each recite a flexible log. As noted above, flexible logs are described in the specification, at least at page 8, lines 4-8. The methods recited in these claims provide particular advantages in the cutting of flexible substrates (p. 8, lines 9-12; p. 22, lines 23-30). These low rigidity substrate logs are presented in the specification as a contrast to other substrates, including dry rolls of paper, such as tissue paper (p. 8, lines 8-9). In contrast, Renard discloses only the cutting of rolls of toilet paper and toweling (col. 1, lines 6-10), which are excluded from Applicants' description of flexible logs. As noted above, Bush, Jr. et al. discloses only the cutting of logs of wood for the pulp industry (Abstract, lines 1-3). Win et al. does not disclose, teach or suggest, nor has the Office Action asserted that Win et al. discloses, teaches or suggests, the cutting of logs of any substance, much less a flexible log. Accordingly, a *prima facie* case of obviousness over Renard, Bush, Jr. et al. and Win et al. has not been presented against claims 31-38. Applicants request that this rejection be withdrawn.

With respect to claim 39, Applicants refer to the above discussion relating to the rejection of this claim under 35 U.S.C. § 102(b) over Bush, Jr. et al. As noted in that discussion, Bush, Jr. et al. does not disclose a pocket that supports a log along the entire length of the log. Applicants note that Renard discloses a trough 22 through

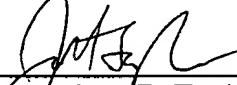
which a paper log is advanced toward a cutting blade 24 (col. 2, lines 34-41). However, the method of Renard, including the use of a trough for advancement of the log, cannot be combined with the method of Bush, Jr. et al. The Renard reference discloses only the transportation of the substrate roll in an axial direction. That is, the roll is indexed along its length toward a single cutting blade (col. 3, line 37 – col. 4, line 23). The rolls and the trough disclosed in Renard are not rotated before, during or after the cutting of the rolls. In contrast, the Bush, Jr. et al. reference discloses only the transportation of the substrate log in a lateral direction. That is, the entire log is rotated into contact with a plurality of cutting blades (col. 5, lines 24-34; and col. 6, lines 18-36). Thus, the attempted combination of the method and apparatus of Bush, Jr. et al. with the method and apparatus of Renard fails to provide a pocket that supports the log along its entire length and that can be rotated in coordination with a plurality of cutting blades. This attempted combination also would destroy the intended purposes of the Renard and Bush, Jr. et al., and thus cannot provide a suggestion or motivation for combining the references (See MPEP 2143.01). Win et al. does not disclose, teach or suggest, nor has the Office Action asserted that Win et al. discloses, teaches or suggests, a pocket as recited in the claims. Accordingly, a *prima facie* case of obviousness over Renard, Bush, Jr. et al. and Win et al. has not been presented against claim 39. Applicants request that this rejection be withdrawn.

CONCLUSION

In conclusion, all of the grounds raised in the outstanding Office Action for rejecting the application are believed to be overcome or rendered moot based on the remarks above. Thus, it is respectfully submitted that all of the presently presented claims are in form for allowance, and such action is requested in due course. Should the Examiner feel a discussion would expedite the prosecution of this application, the Examiner is kindly invited to contact the undersigned.

Respectfully submitted,

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Jonathan P. Taylor, Ph.D.
Registration No. 48,338
Agent for Applicant

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200